

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** David Quigley, AICP, Planning and Zoning Manager/(954) 797-1103

**PREPARED BY:** Lise Bazinet, Planner II

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** 3

**ITEM REQUEST:** Schedule for Council Meeting

**TITLE OF AGENDA ITEM:** DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO A "UNITY OF TITLE AGREEMENT" BETWEEN THE TOWN OF DAVIE, ZONA DEVELOPERS, LLC, AND ZONA 2 DEVELOPERS, LLC FOR THE PROJECT KNOWN AS "HIDDEN HOLLOW TOWNHOMES"; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID "UNITY OF TITLE AGREEMENT"; AND PROVIDING FOR AN EFFECTIVE DATE. (Hidden Hollow, 2 DA 2-3-10/10-68, SW Corner of 49<sup>th</sup> Street & 66<sup>th</sup> Terrace (RM-10))

**REPORT IN BRIEF:** The petitioner requests the Town to enter into a "Unity of Title Agreement" to unify two properties for the project known as "Hidden Hollow Townhomes". As a result, the developer will take advantage of the utilities constructed in Phase I of the project, allowing to qualify for 14 units instead of only 12 units in phase 2, to provide a large homeowners association, and reducing the cost to its members.

**PREVIOUS ACTIONS:** n/a

**CONCURRENCES:** n/a

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

**RECOMMENDATION(S):** Other - Staff finds the application complete and suitable for transmittal to the Town Council for further consideration. If approved, the executed "Unity of Title" must be recorded in the Public Records of Broward County.

**Attachment(s):** Resolution, Unity of Title, Justification Letter, Survey, Site Plan, Future Land Use Map, Zoning Map

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO A "UNITY OF TITLE AGREEMENT" BETWEEN THE TOWN OF DAVIE, ZONA DEVELOPERS, LLC, AND ZONA 2 DEVELOPERS, LLC FOR FOR THE PROJECT KNOWN AS "HIDDEN HOLLOW TOWNHOMES"; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID "UNITY OF TITLE AGREEMENT"; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Town Council of the Town of Davie approved the development known as “Hidden Hollow Townhomes” on January 7, 2004; and

WHEREAS, Zona Developers, LLC, as the owner of the parcel of property located in the Town specifically described in the attached “Unity of Title Agreement” as “Property 1” , developed the project known as “Hidden Hollow Townhomes”; and,

WHEREAS, Zona 2 Developers, LLC, as the owner of the parcel of property located in the Town specifically described in the attached “Unity of Title Agreement” as “Property 2”; and,

WHEREAS, Zona Developers, LLC and Zona 2 Developers, LLC desire to enter into a “Unity of Title Agreement” with the Town of Davie; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby authorize the Mayor and Town Administrator to enter into this “Unity of Title” for a project within the Town of Davie, as shown in the attached exhibits.

SECTION 2. The Town Administrator and Town Attorney are authorized to make and accept non-substantive revisions to the agreement in order for the agreement to be in final, recordable form.

SECTION 3. This Agreement shall be recorded in the Public Records of Broward County.

SECTION 4. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

This Instrument Prepared by  
and Record and Return to:

Jon Jay Ferdinand, Esq.  
Ferdinand & Sullivan, P.A.  
441 S. State Road 7  
Suite 20  
Margate, FL 33068

### UNITY OF TITLE

**THIS AGREEMENT**, made and entered into this 4<sup>th</sup> day of FEBRUARY 2010, by and between the **Town of Davie, Florida**, (the "Town") and **Zona Developers, LLC**, a Florida limited liability company and **Zona 2 Developers, LLC**, a Florida limited liability company (collectively the "Owners").

### **RECITALS**

**WHEREAS**, the said **Zona Developers, LLC**, as the owner of the parcels of property located in the Town particularly described in Exhibit "A" attached hereto and made a part hereof, ("Property "1") developed the project known as "Hidden Hollow Townhomes"; and,

**WHEREAS**, the said **Zona 2 Developers, LLC** is the owner of the parcels of property located in the Town particularly described in Exhibit "B" attached hereto and made a part hereof, ("Property"2"); and,

**WHEREAS**, the Owners recognize and acknowledge that for the public health, welfare and morals, Property "1" and Property "2" should not be divided into separate parcels owned by the several owners but should be developed together as if it was one parcel of land.

NOW, THEREFORE IN CONSIDERATION of the issuance of building permits, and/or certificates of occupancy from the Town for the development of and construction of the project contemplated on Property "2", and for good and valuable considerations, receipt and sufficiency of which are hereby acknowledged, the Owners hereby agree to restrict Property "1" and "2" (hereinafter collectively the "Property"), in the following manner:

1. **Recitals.** The parties acknowledge that the foregoing recitals are true and correct and are incorporated into this Agreement as if fully set forth herein.

2. **Unity of Title.**

a. That the Property shall be considered as one plot and parcel of lands, and that no portion of said plot and parcel of land shall be sold, transferred, devised, assigned separately, except in its entirety as one plot or parcel of land, except as otherwise set forth in the approved development plans and the homeowner association documents for the Property.

b. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the undersigned, its successors and assigns until such time as the same may be released in writing by the Town of Davie, Florida, only upon the following:

(1.) The land development regulations of the Town change such that, as applied to the Property, it is no longer necessary for Property "2" to be added to the Property "1" in order to meet the Town's requirements; or,

(2.) The owner of the Property obtains a variance or other form of site-specific relief, by whatever name called, under the Town's land development regulations as they may exist now or in the future, so that as applied to the Property, it is no longer necessary for Property "2" to be added to Property "1" in order to meet the Town's requirements.


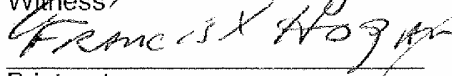

3. This Agreement will be recorded in the public records of Broward County, Florida, at the expense of the Owners, and shall be enforceable by the Town by revoking issued Certificates of Occupancy, or by injunction, or by any other method or manner available to the Town to enforce its law.

4. **Miscellaneous.**

- (a.) If the Owners or Town obtains a judgment against the other party by reason of breach of this Agreement, the prevailing party shall be entitled to recover from the losing party its reasonable attorney's fees and costs, at both the trial and appellate levels.
- (b.) This Agreement shall be interpreted in accordance with the Laws of the State of Florida.
- (c.) This Agreement sets forth the entire agreement between the Owners and the Town relating to the Unity of Title and all matters herein and supercedes all prior and contemporaneous negotiations, understandings and agreements written or oral, between the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the respective dates under each signature.

**Zona Developers, LLC**, a Florida  
limited liability company

  
Witness  
  
Print or type name  
Sara DIMARZIO  
Witness  
  
Print or type name

By:

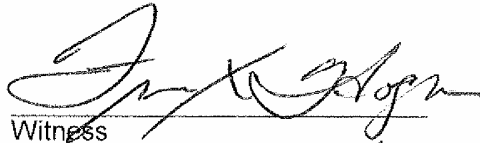
ITS:

  
**JEFFREY L. EVANS**

Manager

FEB 4<sup>th</sup>, 2010  
January


Zona 2 Developers, LLC, a Florida  
limited liability company

  
Witness

Francis X. Hogan  
Print or type name

Sara Di Marzio  
Witness

Sara Di Marzio  
Print or type name

By:   
JEFFREY L. EVANS  
ITS: Manager

FEB.  
January 4<sup>th</sup>, 2010

Town of Davie, Florida

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print or type name

By: \_\_\_\_\_

ITS: \_\_\_\_\_

January \_\_\_\_\_, 2010



STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 4 day of February, 2010, by **JEFFREY L. EVANS**, as Manager of **Zona Developers, LLC**, a Florida limited liability company. He is personally known to me or has produced \_\_\_\_\_ as identification.

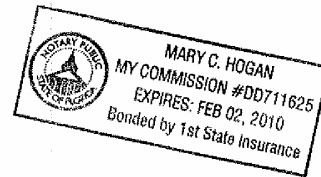
WITNESS my hand and official seal.

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

Mary C Hogan  
Print or type name  
Commission Number \_\_\_\_\_


My commission expires:

STATE OF FLORIDA  
COUNTY OF BROWARD



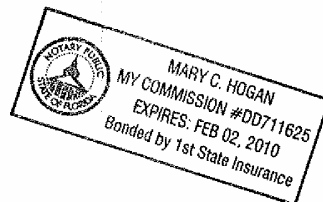
The foregoing instrument was acknowledged before me this 4 day of February, 2010, by **JEFFREY L. EVANS** as Manager of **Zona 2 Developers, LLC**, a Florida limited liability company. He is personally known to me or has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal.

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

Mary C Hogan  
Print or type name  
Commission Number \_\_\_\_\_

My commission expires:



STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by \_\_\_\_\_ as \_\_\_\_\_ of **Town of Davie, Florida**. He is personally known to me or has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
Print or type name  
Commission Number \_\_\_\_\_

My commission expires:

**EXHIBIT "A" TO UNITY OF TITLE**

**LOT 34, LOT 35 LESS THE WEST 30 FEET THEREOF AND LOT 36 LESS THE WEST 30 FEET AND LESS THE NORTH 100 FEET THEREOF, ALL OF "PALM GARDEN PARK UNIT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 56 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.**

**EXHIBIT "B" TO UNITY OF TITLE**

**LOTS 41 AND 42 LESS THE EAST 10 FEET THEREOF "PALM GARDEN PARK UNIT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 56 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA,**

**TOGETHER WITH:**

**THAT PORTION OF THE 15 FOOT RIGHT-OF-WAY SOUTH OF AND ADJACENT WITH LOT 42, "PALM GARDEN PARK UNIT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 56 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.**



## **Zona 2 Developers LLC**

8930 State Rd. 84 Suite 112

Davie, FL 33324

Tel: 954-474-6974

Fax: 954-474-4330

Town of Davie  
6591 Orange Dr.  
Davie, FL 33314

February 4, 2010

RE: *Justification letter for Unity of Title*

Dear Sir / Madam:

We are unifying both parcels into one development. The second parcel was not available during the planning of Hidden Hollow 1 and we have delayed phase 2 due to market conditions.

By unifying the development, we take advantage of the utilities constructed in phase 1 as well as maximizing the available density which provides a more affordable home development in Central Davie.

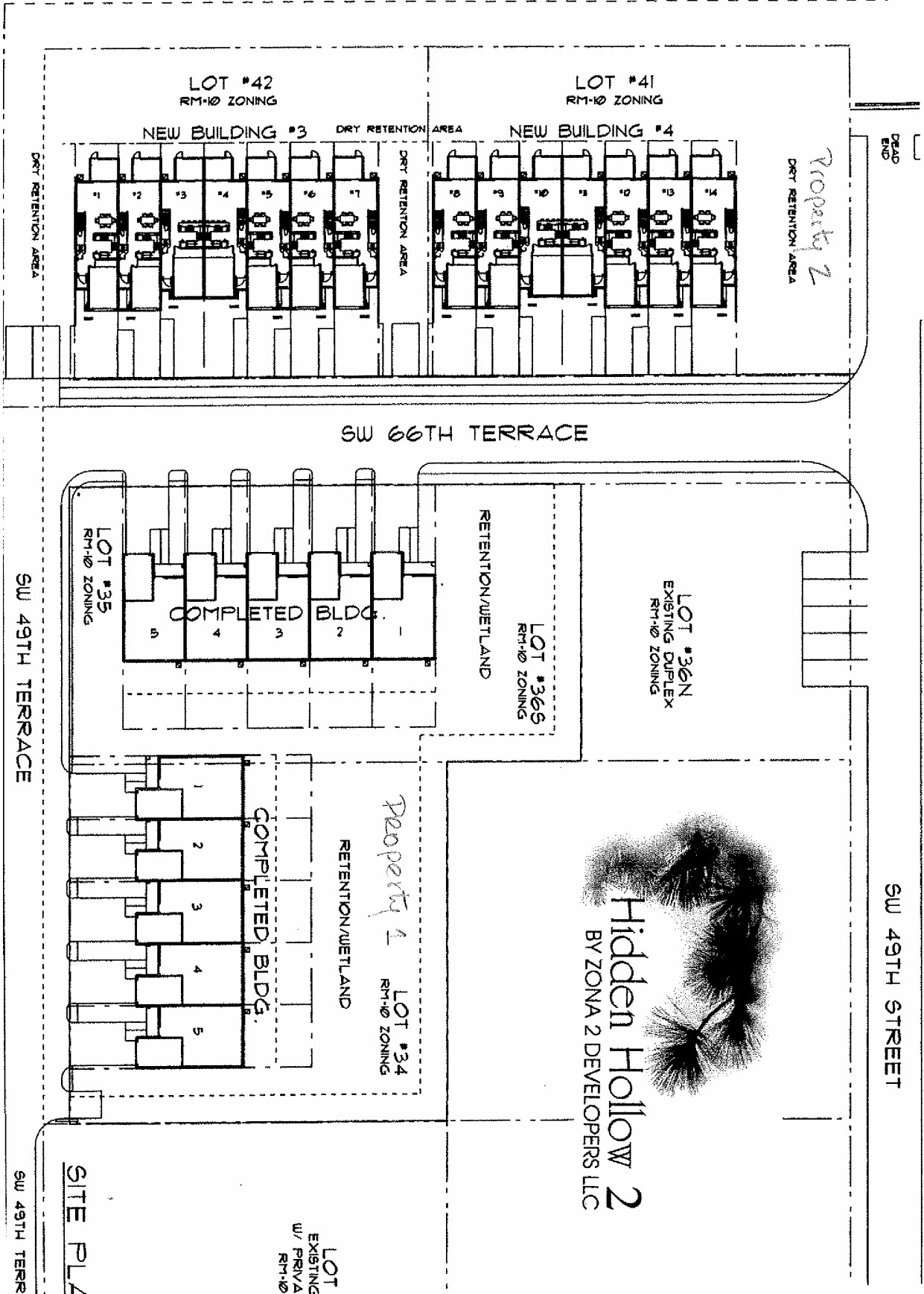
The unification also provides a larger association which will help spreading the services and costs with more homeowners.



Jeffrey L. Evans, RA, NCARB, Leeds Cert.  
Manager



EXISTING CANAL



DRY  
RETENTION  
AREA

Property 2  
DRY RETENTION AREA

DRY RETENTION AREA

DRY RETENTION AREA

DRY RETENTION AREA

SW 66TH TERRACE

RETENTION/WETLAND

LOT #36N  
EXISTING DUPLEX  
RM-10 ZONING

LOT #36S  
RM-10 ZONING

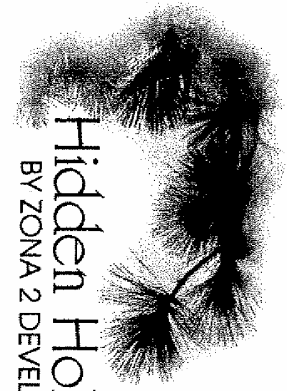
LOT #35  
RM-10 ZONING

COMPLETED BLDG.

COMPLETED BLDG.

RETENTION/WETLAND

Property 1  
LOT #34  
RM-10 ZONING



Hidden Hollow 2  
BY ZONA 2 DEVELOPERS LLC

SW 49TH STREET

SW 49TH TERRACE

SW 49TH TERR.

SITE PL 2

